

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Handsome Peter Parker,

Case No. 20-cv-2314 (JRT/DTS)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

Bureau of Prisons, et al.,

Defendants.

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In an order dated December 9, 2020, this Court directed Plaintiff Handsome Peter Parker to submit supplemental financial information for his application to proceed *in forma pauperis*. Docket No. 7. Plaintiff was given until February 7, 2020 (with an extension at Docket No. 9), to submit the complete IFP application, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Plaintiff has not submitted the requested IFP information. In fact, Plaintiff has not communicated with the Court about this case at all since requesting the extension. Docket No. 8. This Court additionally notes that Plaintiff was directed to submit an amended complaint because many, if not all his claims were identified to be deficient in ways detailed in the November 30, 2020 Order. Docket No. 6. Given the lack of IFP information, and the lack of an amended complaint, this Court finds it appropriate to recommend dismissal of the case for failure to prosecute because Plaintiff has stopped taking an active role

in the case that suggests his desire to discontinue the litigation. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

### RECOMMENDATION

Based upon the foregoing, and on all the files, records, and proceedings herein, this Court RECOMMENDS that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: March 8, 2021

s/David T. Schultz  
DAVID T. SCHULTZ  
U.S. Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).